

ADV. PRASHANT M. PARAB
Office at E/205, Saldanha Business Towers, Near Court Circle
second floor, Mapusa, Bardez, Goa 9421150647/7066619247

Date:- 15/05/2024

LEGAL SCRUTINY/REPORT ON TITLE

This legal opinion/report on title is given by me, to **DEEPAK DINANATH PEDNEKAR** and **SUSHMA DEEPAK PEDNEKAR**, resident of H. No. 204, Jerome Waddo, Xelpem, Duler, Mapusa, Bardez, Goa, which opinion is based on the xerox/original copies of documents, made available to me for scrutiny (on the premises that the said documents are genuine, authentic and its contents are accurate and correct and I disclaim responsibility in the event of any false or incorrect or incomplete information arising out of the said documents), pertaining to the Said property, described herein below.

SCHEDULE - I

Sr. No.	Particulars	
1.	Name and Address of Owner	Deepak Dinanath Pednekar and Sushma Deepak Pednekar , resident of H. No. 204, Jerome Waddo, Xelpem, Duler, Mapusa, Bardez, Goa,
2.	Address of the property:	Xelpem, Duler, Mapusa, Bardez, Goa


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SCHEDULE -II

(Details of the property)

1	Land Revenue Survey number	P. T. Sheet No. 25 Chalta Nos. 40, 41 and 42 of which P. T. Sheet No. 25 Chalta No. 40 relates to the land admeasuring 705 sq. mts., and Chalta N. 41 admeasuring 39 sq. mts., and Chalta N. 42 admeasuring 24 sq. mts.,
2	Name of the property if any.	CORMOLBOMBACHI BAR
3	Boundaries	On the East: by way; on the West: by Mapusa-Siolim Road; on the North: by way and on the South: by property bearing P. T. Sheet no. 2 Chalta no. 43
4	Nature/type of land /property	S1 Zone ODP
5	Nature of locality	Xelpem, Duler, Mapusa, Bardez, Goa

Hereinafter referred to as "**Said Property**"

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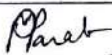
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SCHEDULE-III

Description of Documents Scrutinized & Verified :

Sr. No.	Name of Documents	Date of Documents
1.	Form D	31/3/2021
2.	Survey Plan issued by ISLR	23/11/2021
3.	Old Cadastral Survey No. 80 and 81	26/3/2024
4.	Title index of survey no. 80 and 81	27/3/2024
5.	Registo do Agrimensor	26/3/2024
6.	Correspondence certificate	15/5/2024
7.	Inscription No. 38276 along with translation	
8.	Description No. 40046 along with translation	
9.	Inscription No. 38277 along with translation	
10.	Description No. 40047 along with	


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	translation	
11.	Deed of Sale, Discharge and Gift intervios along with translation	10/03/1955
12.	Deed of Gift	22/11/2000
13.	Deed of Rectification	22/2/2010
14.	Inventory proceeding no. 369/2017/E	26/4/2018
15.	Agreement for Construction, Development-cum-Sale	26/4/2022
16.	Sanad	13/03/2024
17.	Construction licence	12/5/2023
18.	Order issued by North Goa Planning and Development Authority	4/11/2022
19.	Nil encumbrance certificate issued by Sub-Registrar of Bardez at Mapusa (online)	8/4/2024
20.	Provisional NOC issued by PWD Mapusa-Goa	9/12/2022

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21.	NOC for construction-cum-residential building and compound wall issued by Electricity Department, Sub-Div-I (U), Mapusa-Goa	18/11/2022
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SCHEDULE-IV


Facts as Available:

- a. On observation of the Form D of the said property shows that name of Prabhakar Sadashiv Pednekar is seen under the head holder in the origin of the title. Further under mutation number 211110 name of Dinanath Sadashiv Pednekar were shown as holder of the property. By virtue of deed of gift registered under no. 2178 Book-I Vol. No.777 dated 6/12/2000 and Deed of rectification registered under Book-I registered No. BRZ-BK1-00405-2010 CD No. BRZD43 on date 23/2/2010 in the office of sub-registrar of Bardez at Mapusa. Further it is seen that under the Mutation number 212525 name of Deepak Dinanath Pednekar and Sushma Deepak Pednekar were shown as now holder by virtue of order dated 3/1/2018 in inventory proceeding no. 369/2017/E passed by the Civil Judge Junior Division at Mapusa.


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- b. Further it is seen that the name of Prabhakar Sadashiv Pednekar and Dinanath Pednekar name is been bracketed this shows that both names indicates deletion and therefore last name under the mutation no. 212525 Deepak Dinanath Pednekar and Sushma Deepak Pednekar is presently holder in title of the said property.
- c. On observation of the Survey Plan of the said property shows that the property bearing P. T. Sheet No. 25 Chalta No. 40 is a bigger property and properties bearing Chalta No. 41 and 42 are smaller property within the boundary of property bearing Chalta No. 1 to 40 but area is not included in said survey number as all the properties are having separate survey numbers.
- d. On observation of the Old Cadastral Survey No. 80 and 81 geographically shape combined matches with the present survey plan of the property described in schedule.
- e. On observation of the Title index of the property suggest the name of Virasca Xamba X Pednekar for Cadastral no. 80 and Satyabama S. Vernekar for cadastral No. 81.
- f. On observation of the Registo do Agrimensor for no. 80 name of the property denoted as "Cormolbombachi Bar" registered in the name of ½ Reveora Danaiafaia Xete Pernencar and ½ Sadashiv Vassu Xete Pernencar. For no. 81 name of the property denoted as


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“Cormolbombachi Bar” registered in the name of Sotiabama Sazu Xete Vernekar.

- g. On observation of the Correspondence certificate dated 15/5/2024 issued by Directorate of Settlement and Land Records, Panaji-Goa, it can be conclude that old cadastral no. 80 (part) and 81 (part) correspondence to new survey record P. T. Sheet No. 25 Chalta No. 40 (part).
- h. On observation of the Inscription no. 38276 at page 3 reverse of Book G-42 specifies that the property inscribed in favour of Prabacaro Sadasiva Pernecar transcription of the property described under no. 40046 at folio 184 of Book B-102 having purchase from Sotiabama Sazu Xete Vernencar or Sotiabama or Andu. The Deed is dated 0/3/1955 drawn at Folio 19 Reverse of Book No. 571 of Notary Judicial Division.
- i. On observation of the Description no. 40046 at page 184 of Book B-102 the property named as “Cormolbombachi bar” in which exist one cow shed situated in the ward Duler bounded on the east Vassu Xete or Vassu Xete Pernencar, west by municipal road, north by plot of comunidade and south by Vassu Xete or Vassu Xete Pernencar. This property is enrolled in the Matriz record under no. 846 of the third division of the Mapusa.

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- j. On observation of the Inscription no. 38277 at page 3 reverse of Book G-42 inscribed in favour of Prabacara Sadassiva Pernencar, resident of Duler, Mapusa for the transmission of the property described under no. 40047 at Folio 184 reverse of Book B-102. By virtue of Deed of Sale, discharge and gift dated 10/3/1955 drawn at folio 19 reverse of book no. 571 gifting the property by his parents Sadassiva Vassu Xete Pernencar and his wife Ambica or Baguem by keeping life interest for themselves.
- k. On observation of the Description no. 40047 at page 184 reverse of Book B-102. The property known as "Cormolmombachi Bar" in which exist one room mud situated in Duler, bounded on east by Loxi Ferreiro and plot of comunidade, on west by Sotiabama Sazu Xete Vernencar, north by the plot or maybe Muddu and on the south by Regina de Souza.
- l. On observation of the Deed of Sale, Discharge and Gift intervios dated 10/3/1955. This deed is registered with Judicial Division Bardez in the City of Mapusa in the Office of Antonio Jose Joao Francisco Pinto De Menezes between Soteabama Sazu Xeta Vernencar or Soteabama or Audu first party, Sadassiva Vassu Xete Pernencar and his wife Ambica as a second party and Prabacara Sadassiva Pernencar third party. By this deed first party sold property known as "Cormolmombachi Bar" in which exist one



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Curral which property inscribe in the Matriz record under no. 846 of the third division of Mapusa to third party namely Prabacara. In the same deed second party namely Sadassiva Vassu Xete Pernencar and his wife Ambica or Bagueu gifted by keeping themselves life interest. The property known as "Cormolmombachi Bar" in which exist one room mud situated at Mapusa ward Duler inscribed in matriz record under no. 844 of third division Mapusa. It can be conclude by this deed of sale, discharge and gift intervivos two properties transferred in name of third party namely Prabacara.

m. On observation of the Deed of Gift dated 22/11/2000 between Prabhkar Sadashiv Pednekar and his wife Prabhavati Prabhakar Pednekar and Dinanath Sadashiv Pednekar registered before Sub-Registrar of Bardez under Reg. No. 2178 Book-I Document Vol. 777 date 6/12/2000. It suggest that said property is gifted to Dinanath Sadashiv Pednekar by the owner Prabhkar Sadashiv Pednekar and his wife Prabhavati Prabhakar Pednekar thereby Dinanath Sadashiv Pednekar become the absolute owner of the said property.

n. On observation of the Deed of Rectification dated 22/02/2010 between Prabhkar Sadashiv Pednekar is shown as Donor and Dinanath Sadashiv Pednekar is shown as Donee, registered before Sub-Registrar of Bardez under Book-I Document Reg. No. BRZ-

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BK1-00405-2010, CD No. BRZD43, date 23/2/2010. It suggest that in the deed of gift dated 22/11/2000 due to inadvertence by typing mistake Donors missed to incorporate the correct area of the said property and therefore the said deed of rectification is executed to correct the area.

o. On observation of the Inventory Proceeding No. 369/2017/E which were initiated upon the death of Suhasini Dinanath Pednekar and Dinanath Sadashiv Pednekar, wherein order were passed in the inventory proceeding bearing No. 369/2017/E said property was inherited by (1) Mr. Rajendra Pernencar, (2) Mrs. Rachana Rajendra Pernencar, (3) Mrs. Sushma Deepak Pednekar, (4) Mrs. Iravotibai Dinanata Pernencar, (5) Mr. Dilipkumar Horichondra Raikar, (6) Mrs. Ujwala Dinanath Pednekar, (7) Mr. Pradipkumar Ananta Caroicar, (8) Mrs. Shvati Dinnath Pednekar, (9) Mr. Santoxa Naraina Raicar, (10) Mrs. Sharmistha Dinnath Pednekar and (11) Mr. Dinesh Balarak Raikar, and said property were taken in auction by the Deepak Dinanath Pednekar married to Sushma Deepak Pednekar and allotted to them the said property by order and decree dated 8/1/2018 as such said Deepak Dinanath Pednekar and Sushma Deepak Pednekar becomes the owner in title of the said property.

p. On observation of the Agreement for Construction, Development-cum-Sale with possession dated 26/4/2022 between owners and


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developer namely Chandrashekhar Benkar proprietor of M/s SR Developer office at H. No. 193, Xelpem, Duler, Mapusa-Goa, along with Maruti Mahadev Patil and his wife Madhuri Maruti Patil, registered before Sub-Registrar of Bardez at Mapusa Under Book-I Document Reg. No. BRZ-1-1856-2022 date 26/4/2022. It suggest that developer will construct the commercial-cum-residential building on terms and conditions mentioned in the agreement by handing over the possession of the said property.

q. On observation of the Sanad dated 13/3/2024 issued by the office of Additional Collector-III North Goa, District Mapusa-Goa, it can be seen that the sanad were issued for the property bearing P. T. Sheet no. 25, Chalta No. 40,41, 42 situated at Mapusa City of Bardez Taluka in the name of Deepak Dinanath Pednecar and Sushma Deepak Pednecar for the total area 768 sq. mts., which is a combination of 705 sq. mts., 39 sq. mts., and 24 sq. mts.,). This document shows that the said schedule property.

r. On observation of the Construction License dated 12/5/2023 issued by Mapusa Municipal Council under Ref. No. CONST/LIC/Mapusa/2023-24/8 to which suggest that licenses granted for carrying out construction of residential and commercial building along with construction wall as per the approved plan in the property zoned as S1 in ODP and situated at Xelpem, Duler, Mapusa Goa in the said property on condition specified in the



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construction license. It can be concluded that local body i.e. Mapusa Municipal Council approved the plan and issued the construction license directing to follow the conditions mentioned in the license which are required to be followed by the owners.

- s. On observation of the Order issued by North Goa Planning and Development Authority office at Archdiocese Bldg., first floor, Mala Link Road, Panaji-Goa, under Ref No. NGDPA/M/44/1887/1906/2022 date 4/11/2022. It is observed that owners filed application for permission under the provision of section 44 of the Goa Town and Country Planning act for construction of commercial-cum-residential building in the said property on conditions which are to be followed by the owners.
- t. On observation of the Nil Encumbrance Certificate issued by Sub-Registrar of Bardez at Mapusa for the said property. It suggest that search has been made in Book-I and the index relating thereto from 2/4/1994 to 2/4/2024 for encumbrance affecting the said property and that on such search no act or encumbrances affecting the said property has been found.
- u. On observation of the provisional NOC for construction-cum-residential building and compound wall issued by Assistant Engineer, PWD Mapusa-Goa, under Ref. No. PWD/SDII/PHE-N/F-10/529/22-23 dated 9/12/2022 issued to owners. It suggest that



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NOC is granted as per the request of owners is subject to conditions mentioned in the said NOC/Letter dated 9/12/2022.

- v. On observation of the NOC for construction-cum-residential building and compound wall issued by Electricity Department, Sub-Div-I (U), Mapusa-Goa, under Ref. No. AE-I(U)/VI/ONM/2022-23/Tech-40/1705 dated 18/11/2022 issued to owners. It suggest that No Objection is granted as per the request of owners to the said property on conditions mentioned in the said No objection dated 18/11/2022.

SCHEUDLE-V

Observations/Instructions:

1. The documents cited at serial no. III hereinabove are required to be checked/compared with the originals/records maintained by the authorities to confirm their genuineness and authenticity.
2. Latest/up to date, nil encumbrance certificate of the said property is required to be obtained.

SCHEUDLE-VI

Note:

The accuracy of this opinion/report on title necessary is based solely on the documents furnished to me and the information provided to me during the course of my discussion, being true, complete and



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accurate and which I have assumed to be the case. I therefore disclaim any responsibility for any misinformation or suppression of facts or suppression of facts or documents or incorrect or incomplete information arising out of the documents, responses and other information furnished to me.

SCHEDULE-VII

Opinion on Title:

Therefore, on the basis of the scrutiny of the above listed documents, the information provided and representations made by the party and in view of the foregoing discussion and observations, I opine, that **DEEPAK DINANATH PEDNEKAR** and **SUSHMA DEEPAK PEDNEKAR** are entitled to and are the owners of the said property and by entering into agreement by the said owners with Chandrashekhar Benkar entitled to develop the said property, bearing P. T. Sheet No. 25 Chalta Nos. 40, 41 and 42 of which P. T. Sheet No. 25 Chalta No. 40 relates to the land admeasuring 705 sq. mts., and Chalta N. 41 admeasuring 39 sq. mts., and Chalta N. 42 admeasuring 24 sq. mts., and their title thereto is marketable, subject to obtaining of the latest/up to date nil encumbrance certificate and the observations made above.

Place: Mapusa-Goa



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Advocate

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